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**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

JOSHUA STUCKEY,

Plaintiff,

v.

ABM INDUSTRY GROUPS, LLC,

Defendant.

Case No. 3AN-21-_____CI

COMPLAINT

COMES NOW Plaintiff, Joshua Stuckey, by and through counsel, Farnsworth & Vance, for his claims against the Defendant, ABM Industry Groups, LLC, and alleges as follows:

JURISDICTION AND VENUE

1. At all times relevant to this cause of action, Plaintiff resided in the Third Judicial District, State of Alaska.
2. Upon information and belief, at all times relevant to this cause of action, Defendant, ABM Industry Groups, LLC (hereinafter "ABM") is a limited liability company registered and doing business in the State of Alaska.

COMPLAINT

Stuckey v. ABM Industry Groups, LLC, Case No: 3AN-21-_____CI

Page 1 of 5

3. At all times relevant to this cause of action, Defendant was responsible for maintaining the common areas, including snow and ice removal, at 4111 Aviation Avenue (hereinafter “the Aviation Building”), which is in Anchorage, Alaska, within Alaska’s Third Judicial District.

4. The act giving rise to this cause of action occurred in Anchorage, Alaska, in the Third Judicial District of Alaska.

5. The Court has subject matter jurisdiction over this action.

6. The Court has personal jurisdiction over the parties to this action.

7. Venue is proper in this Court.

STATEMENT OF FACTS

8. On or about November 14, 2019, Defendant ABM was under contract with the State of Alaska, Department of Transportation & Public Facilities (the owner of the Aviation Building) to remove snow and ice from outdoor common areas, including sidewalks, stairs, and walkways.

9. On or about November 14, 2019 at approximately 3:30 p.m., ice had accumulated on the sidewalks, stairs, and walkways near the entrance to the Aviation Building, constituting a dangerous slipping hazard for building patrons.

10. On or about November 14, 2019 at approximately 3:30 p.m., Plaintiff, while walking from the entrance of the building, slipped and fell on the buildup of ice which had accumulated on the sidewalk, stairs, and walkway immediately in front of the building.

11. At the time and place alleged, Defendant had not properly inspected the sidewalks, steps, or walkways at or near the entrance to the Aviation Building to check for snow, ice, or

other dangerous conditions present.

12. At the time and place alleged, Defendant had not undertaken any reasonable measures to mitigate the accumulation of ice on the sidewalks, steps, or walkways at the Aviation Building.

13. At the time and place alleged, Defendant had not undertaken any reasonable measures to warn patrons of the Aviation Building that a slipping hazard existed.

14. At the time and place alleged, Defendant knew or should have known that there was a dangerous accumulation of ice on the sidewalks, steps, and walkways in front of the Aviation Building which constituted a slipping hazard.

15. Plaintiff sustained severe injuries as a direct and proximate result of slipping and falling on the ice which had accumulated on the improperly inspected and maintained sidewalks, stairs, and walkway near the entrance to the Aviation Building.

16. Plaintiff's injuries were the direct and proximate result of Defendant ABM's negligence.

FIRST CAUSE OF ACTION-NEGLIGENCE

17. Plaintiff restates and reincorporates paragraphs 1-16, above, as if fully pled herein.

18. Defendant had a duty to inspect and properly maintain the walkways, stairs and sidewalks at the Aviation Building, including the removal of snow and ice.

19. Defendant had a duty to warn patrons of the Aviation Building of dangerous or unsafe conditions which could reasonably constitute a slipping hazard.

20. Defendant breached these duties by failing to properly inspect and maintain the common areas and sidewalks at Aviation Building, which resulted in a dangerous accumulation

COMPLAINT

Stuckey v. ABM Industry Groups, LLC, Case No: 3AN-21-_____CI

Page 3 of 5

of ice to form on the sidewalk in front of the building on November 14, 2019.

21. Defendant breached these duties by failing to warn patrons of the Aviation Building that a slipping hazard existed on the sidewalk in front of the building on November 14, 2019.

22. Defendant's failure to inspect and properly maintain the common areas and sidewalks at the Aviation Building resulted in a dangerous accumulation of ice to form, causing Plaintiff to slip, fall, and sustain serious personal injuries.

23. Defendant's failure to warn patrons of the Aviation Building that a dangerous accumulation of ice had formed on the sidewalk in front of the building caused Plaintiff to slip, fall, and sustain serious personal injuries.

24. Defendant's negligence was the sole, proximate cause of Plaintiff's injuries and damages.

25. As a result of Defendant's negligence, Plaintiff suffered damages, including but not limited to past and future medical expenses, past and future wage loss, past and future pain and suffering, and loss of enjoyment of life.

PRAYER FOR RELIEF

WHEREFORE, having fully pled Plaintiff's complaint, Plaintiff requests judgment against the Defendant named herein as follows:

- A. For an appropriate award against the Defendant in an amount sufficient to compensate for full damages suffered by the Plaintiff, including but not limited to past and future medical bills, past and future economic losses, and past and future pain and suffering, in an amount exceeding \$100,000.00, to be established by the trier of fact;

- B. For pre- and post-judgment interest in the maximum amount allowable by law;
- C. For allowable costs and attorney's fees in the maximum amount allowable by law;
- D. For such other or further relief as the court deems just, equitable and appropriate.

DATED this 11th day of November 2021 at Anchorage, Alaska.

Farnsworth & Vance
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Joshua Stuckey

/s/ Colin A. Strickland

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